

2 Ct
proper.

Unionville

103
12/20/02
ny

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH,
Plaintiff

vs.

WEXFORD HEALTH SOURCES,
INC., et al.,
Defendants

NO.: 1:CV01-0817

(Caldwell, J.)

(Mannion, M.J.)

JURY TRIAL DEMANDED

FILED
HARRISBURG

DEC 19 2002

MARY E. DIAMOND
Per _____
Deputy Clerk

DEFENDANTS' JOINT MOTION FOR
ENLARGEMENT OF TIME

AND NOW, come the Defendants, by and through their respective counsel, and file this Joint Motion for Enlargement of Time and in support thereof, aver as follows:

1. The pro se plaintiff, Kim Smith, an inmate at the State Correctional Institution-Coal Township, and previously incarcerated at the State Correctional Institution-Smithfield, filed this civil rights action pursuant to 42 U.S.C. § 1983 challenging the conditions of his confinement

at SCI-Smithfield, including the medical treatment which he received at that facility.

2. Plaintiff has named various officials and/or employees of the Pennsylvania Department of Corrections as Defendants. The Complaint also named Wexford Health Sources, Inc., the contracted medical provider at SCI-Smithfield, as well as various Wexford employees as Defendants.

3. On December 13, 2002, the Corrections Defendants and the Wexford Defendants filed Motions for Summary Judgment Pursuant to Rule 56(c), Federal Rules of Civil Procedure.

4. Pursuant to the applicable provisions of the Local Rules of Court, Defendants' Statement of Undisputed Material Facts, Appendix of Exhibits and Brief in Support of the Motions for Summary Judgment are due on or before Monday, December 30, 2002 (ten business days from the date of filing of the dispositive motion).

5. Due to previous commitments in other matters and due to the Christmas holidays, defense counsel are in need of additional time to

obtain testimonial affidavits and prepare the documents in support of their dispositive motions.

6. Defendants are seeking an enlargement of time until Monday, January 6, 2003, within which to file their Concise Statement of Undisputed Material Facts, Appendix of Exhibits and Brief in support of the pending Motions for Summary Judgment.

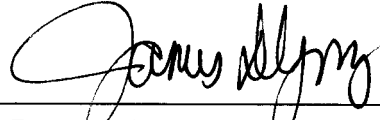
7. The requested enlargement of time is brief in duration; it will not prejudice Plaintiff's substantive rights; and it will not unduly delay the adjudication of this matter on the merits.

8. John Talaber, Esquire, counsel for the Corrections Defendants, joins in this request for enlargement of time on behalf of the Corrections Defendants.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Enlargement of Time and enter the accompanying Court Order.

Respectfully submitted,

Lavery, Faherty, Young &
Patterson, P.C.

By: _____

James D. Young Esquire
Atty No. 53904
225 Market Street, Suite 304
P.O. Box 1245
Harrisburg, PA 17108-1245
Attys for the Wexford Defendants

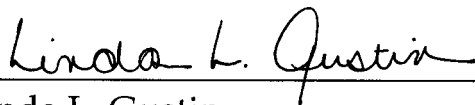
DATE: 12/19/2002

CERTIFICATE OF SERVICE

I, Linda L. Gustin, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 19th day of December, 2002, I served a true and correct copy of the foregoing **Defendants' Joint Motion for Enlargement of Time**, via U.S. First Class mail, postage prepaid, addressed as follows:

Kim Smith
CT-2162
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

John Talaber, Esquire
Assistant Counsel
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011



Linda L. Gustin